

AO 106 (Rev. 04/10) Application for a Search Warrant

UNITED STATES DISTRICT COURT

for the
District of New Mexico**FILED**
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AUG 05 2015

MATTHEW J. DYKMAN
CLERK

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

1996 GMC Pickup VIN 2GTEK19R0T1556440

Case No.

15mr501

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

1996 GMC Pickup VIN 2GTEK19R0T1556440 stored at Speedway Towing (545 Allison Road Gallup, NM)

located in the _____ District of _____ New Mexico, there is now concealed (identify the person or describe the property to be seized):

Alcoholic beverages, documentation of ownership of the vehicle, documentation by use of photography and measurement, a mechanical inspection of the vehicle, information stored within the Event Data Recorder, forensic trace evidence

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
 USC Title 18 section 1112
 USC Title 18 section 1153

Offense Description
 Manslaughter
 Offenses committed in Indian Country

The application is based on these facts:

See attached affidavit

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

LAUREN MILLIGAN SERGEANT NMSP

Printed name and title

Sworn to before me and signed in my presence.

Date:

8/15/15

City and state:

Albuquerque, NM

Judge's signature

Steven L. Yarbrough

Printed name and title

U.S. Magistrate Judge

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF NEW MEXICO

IN THE MATTER OF THE ISSUING A SEARCH WARRANT ON THE ____ DAY OF _____, 2015.

AFFIDAVIT FOR SEARCH WARRANT

Affiant, being duly sworn, upon his oath, states and I have reason to believe that on the following described premises, vehicle(s) and/or person(s) of:

1. A 1996 GMC 1500 bearing VIN 2GTEK19R0T1556440 registered to Leona Nez and is currently stored at Speedway Towing (545 Allison Road Gallup, NM 87301)

In the city or county designated above there is now being concealed:

1. Alcoholic beverage(s) and/or alcoholic beverage container(s) containing any amount of beverage whether open or closed. Any package(s) apparently used to advertise, store and/or transport alcoholic beverage(s). Any document(s) recorded on any media which indicates and/or tends to indicate the advertisement, sale, purchase, use, consumption, transfer and/or storage of alcoholic beverage(s).
2. Item(s) which establish or tend to establish possession, use, occupancy, presence and/or the right to possession of the vehicle to be searched.
3. Documentation and processing of the herein-described vehicle and/or the herein-described item(s), to be seized, by means of measurement, photography, videography and/or any other means deemed necessary by law enforcement and/or person(s) assisting law enforcement.
4. A complete mechanical inspection of the herein-described vehicle, to be searched.
5. Any collision and/or crash data devise(s) including but not limited to data stored on/within the internal and/or external memory of the devise(s).
6. Forensic trace evidence such as serological and deoxyribonucleic acid (DNA) evidence.

and the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

Your Affiant, Lauren S. Milligan, is a full time salaried law enforcement officer who has been employed by the New Mexico State Police for a period of fifteen years. Affiant has received specialized training in criminal investigations through the New Mexico Law Enforcement Academy, the New Mexico State Police Academy, the Institute of Police, Technology and Management, Crash Data Specialists, Collision Safety Institute, Force Science Institute, National Forensic Academy, Tom Bevel and Associates, Forensic Science Consultants Affiant has received training in the investigation of traffic

crashes including but not limited to vehicular homicide investigations. Affiant has received both classroom and on the job training concerning the investigation of the above offense(s). Affiant currently holds a Special Law Enforcement Commission through the Bureau of Indian Affairs (expires 6/11/2018) and a cross commission for the Navajo Police Department. Affiant has conducted numerous criminal investigations that led to the arrest and conviction of persons in violation of New Mexico State Statutes.

On March 6, 2015 at approximately 6:55 p.m. Affiant was contacted by Navajo Police Department (NPD) Criminal Investigator (CI) Donovan Becenti in reference to assisting with a fatal traffic crash on Navajo Route 9 near mile marker 10 that was on the Navajo Indian Reservation. CI Becenti requested assistance from the New Mexico State Police (NMSP) Crash Reconstruction Unit (CRU) to investigate the cause of the crash. CI Becenti explained that there were two vehicles involved; a blue 2013 Jeep Patriot, bearing New Mexico license plate 082 PTS VIN 1C4NJRBB1DD129353 and a red 1996 Chevrolet pickup. There was one fatality and several injuries resulting from this crash. Both drivers survived the collision and both were Native American. Affiant contacted several CRU members and responded to the scene.

Upon Affiant's arrival at approximately 8:20 p.m. Navajo Route 9 was closed in both directions. There were several NPD officers securing the scene and EMS was also present.

Affiant found that in the area of the crash there were two asphalt travel lanes running east/west. There were asphalt shoulders separated from the travel lanes by painted white lines. In the area of the crash the travel lanes were separated by a broken dash center line indicating that passing was allowed in the area. There was an intersection with a dirt road on the left (north) side of Navajo Route 9.

The aforementioned blue Jeep Patriot was facing southeast partially in the westbound lane and partially in the north asphalt shoulder. The Jeep had heavy front end contact damage. Both the driver's side and passenger's side front airbags had deployed. The driver's seatbelt was locked in an extended position indicating the driver was wearing his seatbelt at the time of the crash. There were several alcohol containers within the passenger compartment of the Jeep. Affiant learned that Jonathan Casamero was driving the Jeep at the time of the crash.

The red GMC pickup was facing northwest off the north dirt shoulder. The GMC had heavy contact damage to the driver's side behind the driver's side B pillar. The rear axle assembly was broken off the vehicle and was lying east of the GMC. The deceased body of John Doe was lying across the rear seat of the GMC. Several alcohol containers were seen within the passenger compartment of the GMC.

Tire mark evidence and damaged areas on both vehicles indicate that the GMC was in the right lane of Navajo Route 9 traveling east preparing to make a left hand turn (north) onto the dirt road. The driver of the Jeep was also traveling east while possibly passing slower vehicles. The impact occurred in the westbound lane of Navajo Route 9.

Affiant knows that alcohol is illegal on the Navajo Indian Reservation and that having open alcohol containers in the passenger compartment of a vehicle is a violation of New Mexico state law.

In developing a crash reconstruction report, Affiant needs the weights of both vehicles so that a speed analysis and traffic crash reconstruction can be done. Affiant has had training and knows that data should have been recorded in both vehicle's computer safety systems. NMSP has equipment to image this information from both

vehicles. This data may include pre impact data, impact data and post impact data.

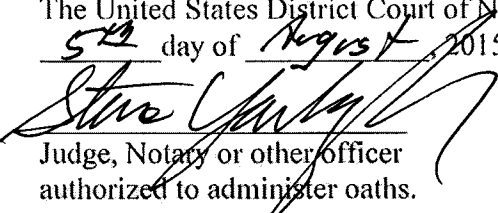
Search, seizure, processing and documentation of the said vehicle processing are material to the investigation of this fatal motor vehicle collision and material to evaluating driver culpability if any. Therefore, in this regard, it will be meaningful to process and to document the condition and/or location of items found at the scene and/or their context within the scene. Such information, if it exists, may be material and relevant to this investigation. This warrant requests the authority to view, listen to, copy, transcribe, transfer and/or record the data secured as a result from the aforementioned 2013 Jeep Patriot and the items to be seized.

Your Affiant is also aware that item(s) which establish or tend to establish possession, use, presence and/or occupancy of the above-described vehicle to be searched, often demonstrate who had use and control of said vehicle. Such information may be material and relevant to this investigation.

Therefore, in order to ensure and promote a complete and thorough investigation of said vehicle, investigators may be required to examine the entire vehicle for forensic trace evidence. It may be necessary for investigators to remove and/or damage entire portions of the vehicle including but not limited to doors, windows, carpets, upholstery, mechanical equipment and/or the body and frame of said vehicle.

Therefore, your Affiant respectfully requests that the Court issue a Warrant authorizing the search, seizure and processing of the above-described vehicle as the items identified in paragraphs 1, and 1 through 6 of this affidavit are relevant and material to establishing probable cause for violations of 18 U.S.C. §§ 1153 and 1112.

Subscribed and sworn to before me in
The United States District Court of NM on this
5th day of August, 2015


Judge, Notary or other officer
authorized to administer oaths.


Lauren Milligan
Sergeant, NM State Police

Approved as to legal sufficiency:

Assistant United States Attorney

Note: This affidavit shall be filed in the same file as the search warrant. If no criminal proceedings are filed, the affidavit and warrant shall be filed in a miscellaneous file.